

Working Document

on tolerances used in Ecodesign and Energy Labelling Implementing Measures

Several Member States have raised the issue of some manufacturers using tolerances to achieve higher energy labelling classes or to meet the ecodesign requirements by adding the value of tolerances on top of the measured values. Accordingly, Member States have made specific proposals and requested appropriate legal action by the Commission, including a proposal on a possible modification of the existing implementing measures (through an 'omnibus act') and in the forthcoming new regulations in this regards.

These proposals have been included in the delegated Act on the energy labelling of electric lamps and luminaires to be adopted by the Commission and in the proposed Ecodesign Regulation on directional lamps, light emitting diode lamps and related equipment¹.

Furthermore, this Working Document proposes a way to address the issue of modifying the existing regulations, as well as ensuring a consistent approach in the forthcoming new regulations.

Rationale

Implementing measures under the Ecodesign or the Energy Labelling Directives include an Annex on verification procedure for market surveillance purposes. The Annex describes the procedure that (verification) authorities from Member States will follow to decide whether a product is compliant or not with the implementing measure.

The measured parameters are subject to (verification) tolerances, i.e. for each measured parameter the value shall be within the permitted tolerance from the value as required (ecodesign measures) or declared (energy labelling measures).

Parameters shall be measured according to a (harmonized) standard, which in practice can mean that the "measured" value consists of the average of 5 measured results or is a calculated value from measurement results.

Some regulations have provisions for exchange of information on testing results between Member State authorities (and the Commission), others have not.

Member State authorities have identified cases where the manufacturer has used the tolerance to e.g. declare a better labeling class or a lower yearly consumption for a product.

Example If measuring the product results in value X, resulting in class B, but value X-7% would result in class A, the manufacturer declares the value X-7% and the product is labeled class A. If the tolerance is 15 % for the first stage (one test)

¹ In case further adjustments are needed in the text as used in the lighting regulations they can be addressed in the 'omnibus' act.

and 10 % for the second stage (three tests), the chances of finding this product non-compliant are low.

The same way of using tolerances has been found in the case of Ecodesign, i.e. the value in the technical documentation indicated that the product would not comply with the requirements, but “using” the tolerance the product would comply.

Objective

To identify a solution guaranteeing that tolerances indicated in ecodesign and energy labelling implementing legislation for the purposes of measurement of the performance of the appliance are not used by manufacturers to attain the required levels.

This will help to ensure that no misleading information is provided to consumers and that the implementing measures achieve the expected savings contributing to the European 2020 targets.

Proposed solution for the new and existing implementing measures

It is proposed to consider acting as follows.

Annex on verification procedures

Requirements to be included in the Annex on verification procedures in all existing and forthcoming ecodesign and energy labelling regulations as follows:

- Disallow the use of more favourable declared values by suppliers than the values reported in the technical documentation;
- Ensuring that tolerances relate only to the verification of the measured parameters by Member State authorities and shall not be used by the supplier as an allowed tolerance on the values in the technical documentation to achieve a more efficient energy class in energy labelling regulations or to achieve compliance with ecodesign requirements;
- Requesting for exchange of information of testing results between Member States and the Commission.

Recital

Add a recital to all new implement regulations as follows:

- (x) "To ensure fair competition, the achievement of potential intended energy savings as well as accurate information of products' energy performance towards consumers, it should be made clear in the Regulation that, the tolerances prescribed for the national market surveillance authorities when conducting physical tests to establish whether a specific model of an energy related product is in compliance with the Regulation, should not be used by the manufacturers to provide room for declaring a more favorable performance of the model than measurements and calculations declared in the technical documentation of the product can justify"

Amend the existing implementing regulations in adding a recital as follows:

- (x) "After the detection of this use of verification tolerances preserved for market surveillance purposes according to the [delegated acts/implemented measures] under [Directive 2010/30/EU on the indication by labeling and standard product information of the consumption of energy and other resources by energy-related products/Directive 2009/125/EC establishing the framework for the setting of Ecodesign requirements for energy-related products], it appears that that Commission Regulation [xxx] should be amended to order to safe guard against further abuse of the system”

Text on use of tolerances

The following general text is proposed for Ecodesign Regulations:

- x. The verification tolerances defined in this Annex relate only to the verification of the measured parameters by Member State authorities and shall not be used by the manufacturer as an allowed tolerance on the values in the technical documentation to achieve compliance with the requirements.

The declared values shall not be more favorable for the manufacturer than the values reported in the technical documentation.”

The following general text is proposed for Energy Labelling Regulations:

- x. The verification tolerances defined in this Annex relate only to the verification of the measured parameters by Member State authorities and shall not be used by the supplier as an allowed tolerance on the values in the technical documentation to achieve a more efficient energy class.

The declared values shall not be more favorable for the supplier than the values reported in the technical documentation.”

Text on provisions of exchange of information on testing results

The following sentences need to be added to the Annex with the verification procedure at the appropriate places:

- x. After testing one unit: “and provide the information of the testing results to the authorities of the other Member States”;

After testing three more units: “and the information of the testing results shall be provided to the authorities of the other Member States and the Commission within one month of testing”.

Means

The above mentioned provisions should be included in all new ecodesign and energy labelling implementing measures. The existing implementing measures are proposed to be amended for the above aspects in the next appropriate forthcoming ecodesign and energy labelling implementing measures/Acts.